12/31/77

Dear Bud,

Jim told me that Sirica's decision in your CIA case, 75-897, was important. You indicated you were quite satisfied with it. I read it several days ago, when the copy Jim sent reached me. What we thought would work did much more than that. This is a truly remarkable decision for Sirica. It does move FOIA law far forward. It is, I think, a really major advance.

on this I congratulate you.

I had occasion to talk to Paul Valentine Thursday. I asked him if you had spoken to him. He said not. I gave him my interpretation of the decision. He said he'd get it immediately and would alert their court man to check the court's copy, etc.

I note that in your press release you have your committee saying also that "we may have moved a giant step forward," only not in FOIA law and matters, not in obtaining withheld information, but "in finally solving the JFK assassination case."

I have reach the listof documents you filed. I see no document that bears directly on the JFK assassination. I fear that anyone in the press who received your release and the decision will have done the same and have come to the same conclusion- not one of the records you seek deals withthe killing itself. So the press will be wondering about you and your words and committee and may well decide that there is nothing to the decision itself, that being the way their minds work.

I also fear that if Sirica sees it he'll think he is in ~~Just~~ Nutsville. He will have great difficulty reconciling the release with his words and surely what was in his mind.

This is true also about your decsription of the records sought. While they are important it is difficult for anyone to believe that without having seen them you can responsibly describe them as "potentially much more explosive than the mass of routine documents now being voluntarily declassified by the FBI." (Aside from which there may be much less voluntariness in this than you see. I alone have 25 or more requests pending.)

I take it that you are the unnamed committee spokesman whose words are"It is the consensus of the critics, after all, that it is the CIA more than the FBI which knows 'where the bodies are buried.'"

If you made your consensus by cnavassing the Richard E. Spragues and the Berkeleys and the Freeds perhaps you did get this result. But if you made a real consensus I doubt responsible critics said anything like it. Or believe it. Or even that it is possible. The spookeries of the world just don t work that way. They have their own no-file files, too. Not an FBI monopoly.

My point in this is not to undo anything, which can't be done, but to alert you for the future because you may have other really significant successes like this one and in your yearning may again undermine your accomplishment. If you had to issue a press release, I believe, without having thought a press release through, that your best shot was to praise Sirica for his getting through to the nitty-gritty of the Act, to the intent of the Congress, to his determination to herd the wild elephants out of the forest and to openness in government, to the end that there be no official secrets when a President is killed. Something along this line might have achieved deserved attention for you and for the decision. I doubt your release did. In this I'e tried to explain to you for the future why, perhaps, it did not and how you can turn that around, given another chance.

I don't think you'd want help from me on this. However, my experiences with the CIA and the FBI are close to unique, I have knowledge others do not have, and a few records I know others do not have. I have had not inconsiderable success in proving negatives. In this case I think it is not impossible. If I do not solicit it I am willing to testify andproduce a few records. I'm aware of my reputation among judges and the exaggeration of it by others. I'm also aware of the futility of the AUSA's attempt at cross examination. And bobody has the record of falsification and non-compliance I have from the CIA - with written lies on the highest level arranged on the lower levels. I mean I have the written lies and the internal records to contrive the lies. And what I've been holding for a special occasion, about a half-dozen of their in camera affidavits never seen by opposing counsel.

From the time I was taken ill at the NYU conference (and I am indelicate enough to ask you to now try to recall the advice I sought without success to give to all others then) to now my files have ggown steadily more choatic. Lil has begun to arrange those on FOIA requests, not the cases in court. She is still bogged down in DJ/FBI. Next she will get to CIA. What we are doing is establishing a complete chrono and a individual mmxx subject files. Some working on the CIA part for a couple of days, as Lil now can t do, would come up with some impressive statistics and some extraordinary stonewalling. It has come to the ppint where. They are even withholding from me records I have requested after they have been released, not responding to letters about it. As Jim can attest, they engage in overt financial fraud, too.

I can even prove their frivolities in obliterations from records you got and of which you gave me copies of a few pages. These are your personal files. I am in some. My request crosses over. So I have the copy of the records on my as they gave them to me and the identical records as they gave they to you. I think Sirica will be impressed. If not incredulous. They gave you the entire page. They gave me the page with all except my name obliterated.

I'm not anxious to take the time either to testify or provide an affidavit because I can't keep up with my own work and I'm not as well as I have been. Maybe only a water retention and potassium-deficiency problem from what the doctor said yesterday.

But I do think your decision is enormously important. To help you with is is why I suggested to Jim that he suggest Bill Forence to you. Florence is one of the real experts on the EO and related matters and on classification, has a post-executive employment record as Congressional consultant on the subjects, etc., and impresses me as a very decent and honest person. He is qualified to examine the records, a you and I are not. And then to give expert opinions. This is one way you can get around the fact that Sirica really has noway of knowing which side is down.

I see a different Xmas present than you herald but nonetheless a fine one. I hope it goes forward well in the New Year.

Sincerely,